REMARKS

The Examiner is thanked for the performance of a thorough search. Claims 1-6 and 14-25 have been amended. No claims have been cancelled or added. Hence, Claims 1-25 are pending in the Application.

The amendments to Claims 1-6 and 14-25 as indicated herein do not add any new matter to this application.

I. ISSUES NOT RELATING TO THE PRIOR ART

A. 35 U.S.C. § 112(2) REJECTION

Claims 3, 4, 17, and 18 were rejected under 35 U.S.C. § 112(2) because it is allegedly unclear what the Applicant is intending to claim. The amendments to Claims 1, 3, 4, 15, 17, and 18 are to clarify that the database statement "specifies a DML operation that **modifies data in one or more columns in a database**" (emphasis added). Therefore, in Claims 4 and 18, the language reads: "wherein the modified data includes values of data after the DML operation." Even though the Applicant is his own lexicographer, the amended claims make it clear that the modified data may include a) values of the data before the DML operation (Claims 3 and 17) and b) values of the data after the DML operation (Claims 4 and 18). It is respectfully submitted that Claims 3, 4, 17, and 18 particularly point out and distinctly claim the subject matter which the applicant regards as his invention and that the amended claims are clear as to what the Applicant is intending to claim. Removal of the rejection is respectfully requested.

B. 35 U.S.C. § 101 REJECTIONS

Claims 1-7 and 10-13 were rejected under 35 U.S.C. § 101 because the method allegedly does not produce a useful, tangible, and concrete result, as there is no result

other than the aggregation of data. Original Claim 1 stated "in response to receiving the database statement, performing the aggregate operation on the plurality of values." Claim 1 has "a practical application because [Claim 1] produce[s] [a] useful, concrete, and tangible result" (MPEP § 2106 II. A.) which is, in response to receiving a database statement, performing an aggregate operation on a plurality of values and returning a result of the aggregate operation. Removal of this rejection is respectfully requested.

Claims 1-7 and 10-14 were rejected under 35 U.S.C. § 101 as being software *per se* as they allegedly could simply be a set of instructions. Applicant respectfully disagrees. Claims 1-7 and 10-14 are not software *per se*. Rather, they are method claims that are statutory subject matter under 35 U.S.C. § 101 (i.e. process). Claims 1-7 and 10-14 may be implemented by executing a set of instructions by one or more processors. However, how Claims 1-7 and 10-14 are implemented is irrelevant to the fact that Claims 1-7 and 10-14 are method claims. Removal of this rejection is respectfully requested.

Claims 15-25 were rejected under 35 U.S.C. § 101 because the method allegedly does not produce a useful, tangible, and concrete result, as there is no result other than the aggregation of data, and the result returned in Claim 25 is allegedly non-tangible as it can be embodied in a carrier wave. Claims 15 and 25 have been amended similarly to Claims 1 and 14, respectively, to highlight that Claims 15 and 25 do produce a useful, tangible, and concrete result, as discussed above. Claims 15-25 have also been amended to be computer-readable medium claims that store a set of sequences of instructions which, when executed by one or more processors, cause the one or more processors to perform the steps recited therein. Therefore, Claims 15-25 do not cover carrier waves. Removal of these rejections is respectfully requested.

Claims 15-20 and 22-25 were rejected under 35 U.S.C. § 101 because they are allegedly non-useful as they are merely a set of instructions with no means for performing any operations, thus they relate only to software. As indicated above, Claims 15-25 have been amended to be computer-readable medium claims that store a set of instructions which, when executed by one or more processors, cause the one or more processors to perform the steps recited therein. The means to perform the recited steps are indicated by the recitation of one or more processors executing one or more sequences of instructions. Removal of this rejection is respectfully requested.

II. ISSUES RELATING TO THE PRIOR ART

Claims 1-7, 10, 14-27, and 25 were rejected under 35 U.S.C. 102(b) as anticipated by reference PL/SQL User's Guide Reference Release 2 (9.2) 1996, 2002, pages 1-13 (hereinafter "[A]"). This rejection is traversed.

Claims 8, 9, 11, 13, 22, and 24 were rejected under 35 U.S.C. 102(b) as allegedly unpatentable over [A] in view of Oracle9i SQL Reference, Release 2 (9.2) Aggregate Functions, 2000 pages 4-6 to 4-8 (hereinafter "[B]").

A. CLAIM 1

Amended Claim 1 recites:

A method comprising:
receiving a database statement that
      specifies a DML operation that modifies data in one or more columns in
          database, and
      contains a clause that specifies an aggregate operation to be performed on
          a plurality of values associated with the data; and
in response to receiving the database statement,
      performing the DML operation on the one or more columns in the
          database,
      performing the aggregate operation on the plurality of values, and
      returning as a result of the database statement **a result of the aggregate**
          operation. (emphasis added)

Therefore, a database statement is received that a) specifies a DML operation (e.g. an update or delete operation) **and** b) contains a clause that specifies an aggregate operation to be performed on a plurality of values associated with the data. In response to receiving the database statement, the aggregate operation is performed on the plurality of values and a result of the aggregate operation is returned.

The Office Action cites page 10 of [A] as teaching that a received database statement (e.g. UPDATE) makes a change that causes a loss of data. The Office Action then states that page 9 of [A] teaches a "bulk collect clause that...aggregates data by joining the results or the individual updates of values which is inherently performed when executing the database statement" (paragraph 12). However, the only mention of the bulk collect clause is this statement on page 9: "If a SELECT INTO, FETCH INTO, or RETURNING INTO clause references a collection, incorporate the BULK COLLECT clause." There is no teaching or suggestion in [A] that the bulk collect clause is **performed on** a plurality of values. A collection is merely an ordered group of elements, all of the same type (see Oracle Corporation, "PL/SQL User's Guide and Reference, Release 2 (9.2), 5 PL/SQL Collections and Records," Part Number A96624-01, 1996, 2002). A bulk collect clause thus specifies a collection variable in which a plurality of data items are maintained or stored. There is no teaching or suggestion that an aggregate operation is performed on the plurality of values themselves that are associated with a data. Based on the foregoing, [A] fails to teach or suggest all the features of Claim 1. Therefore, removal of the corresponding rejection is respectfully requested.

B.   CLAIMS 15

As indicated above, Claims 15 has been amended to be a computer-readable medium that stores a set of instructions. Claim 15 recites the features of Claim 1

discussed above except in the context of a computer-readable medium. Therefore, Claim 15 is patentable over [A] for the same reasons given above with respect to Claim 1. Removal of the rejection with respect to Claim 15 is respectfully requested.

C.   DEPENDENT CLAIMS

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims includes the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

III. CONCLUSION

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.
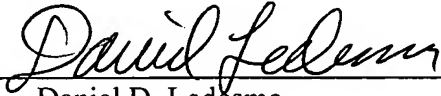
The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

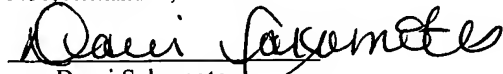Dated: June 7, 2006

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